

REMARKS

This Amendment is fully responsive to the final Office Action dated December 23, 2008, issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Amendment. Claims 1-15, 17-33, 35-37 and 39 are pending in the present application. With this Amendment, claims 1, 17, 18, 19, 35, 36 and 39 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

In the Office Action, claims 17, 18, 35 and 36 are objected to for depending respectively from a canceled claim. The Applicants have amended claims 17, 18, 35 and 36 to correct their dependencies. Withdrawal of the objection to claims 17, 18, 35 and 36 is respectfully requested.

In the Office Action, claims 1-3, 7, 9-12, 14, 17, 19-21, 25, 27-30, 32, 35, 37 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (U.S. Patent No. 7,185,355, hereafter "Ellis") in view of DeFreese et al. (U.S. Patent No. 6,493,876, hereafter "DeFreese"). The Applicants have amended independent claims 1, 19 and 39 to help further distinguish the present invention from the cited prior art. Claim 1, as amended, recites the following features:

"[a] recommended program notification method of notifying a user of a recommended program, comprising the steps of:

- inputting a user' s instruction including a recommendation control instruction;
- detecting notification timing with which a notification of a recommended program is performed, when the recommendation control instruction is not input; and
- displaying a notification screen indicating the existence of a recommended program when the notification timing is detected

- selecting a recommendation condition to be displayed from among a plurality of recommendation conditions;

- generating a recommendation reason from the selected recommendation condition; and
- causing the generated recommendation condition to be included in the notification screen."

The features noted above are similarly recited in independent claims 19 and 39, as amended. Additionally, the features of the present invention noted above are fully supported by the Applicants' disclosure (e.g., ¶ [0182]-¶ [0193]).

The present invention (as recited in independent claims 1, 19 and 39) is distinguishable over the cited prior art in that the method, device and program of the present invention use the "viewer" characteristics as the recommendation reason and display the characteristics on a notification screen. Such features of the present invention are not believed to be disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on Ellis in view of DeFreese for disclosing or suggesting all the features recited in at least independent claims 1, 19 and 39. However, the Examiner relies primarily on Ellis for disclosing the use of a "recommendation reason," as in the present invention. However, the Applicants respectfully disagree with the Examiner's interpretation of Ellis.

Specifically, the Applicants assert that the "recommendation reason" of the present invention is clearly different from that disclosed in Ellis for at least the reason noted below.

In the Office Action, the Examiner seems to regard the "recommendation reason" as "any one of program characteristics." However, "any one of program characteristics" as disclosed in Ellis is merely one of characteristics related to a program. On the other hand, the "recommendation reason" of the present invention is based on a result of analysis of "viewer" characteristics.

Accordingly, Ellis and the present invention are completely different in terms of technical significance. In other words, the "recommendation reason" of the present invention corresponds to "viewer" characteristics, and cannot be "any one of program characteristics," as in Ellis.

Therefore, at least a configuration that uses the "viewer" characteristics as the recommendation reason and that displays the characteristics (i.e., on a notification screen) is not disclosed or suggested by Ellis.

Based on the above discussion, independent claims 1, 19 and 39 (as amended) are distinguished over Ellis. Moreover, DeFreese fails to overcome the deficiencies noted above in

Ellis. Accordingly, no combination of Ellis and DeFreese would result in, or otherwise render obvious, independent claims 1, 19 and 39 (as amended). Likewise, no combination of Ellis and DeFreese would result in, or otherwise render obvious, claims 2, 3, 7, 9-12, 14, 17, 20, 21, 25, 27-30, 32, 35 and 37 at least by virtue of their respective dependencies from independent claims 1 and 19.

In the Office Action, claims 4-6, 8, 22-24 and 26 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of DeFreese, and further in view of Schein (U.S. Patent No. 6,732,369, hereafter "Schein"); and claims 13, 15, 18, 31, 33 and 36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of DeFreese, and further in view of Wagner (U.S. Patent No. 6,335,736, hereafter "Wagner").

Claims 4-6, 8, 13, 15 and 18 depend from independent claim 1; and claims 22-24, 26, 31, 33 and 36 depend from independent claim 19. As noted above, Ellis and DeFreese fail to disclose or suggest all the features recited in independent claims 1 and 19. Additionally, Schein and Wagner fail to overcome the deficiencies noted above in Ellis and DeFreeze. Accordingly, no combination of Ellis and DeFreeze with Schein or Wagner would result in, or otherwise render obvious, claims 4-6, 8, 13, 15, 18, 22-24, 26, 31, 33 and 36 at least by virtue of their respective dependencies from independent claims 1 and 19.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectively request that the Examiner withdraw the objections and rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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March 23, 2009